

Michigan Academy of  
**FAMILY  
PHYSICIANS**



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April 3, 2006

The Honorable John Moolenaar  
Michigan House of Representatives  
P.O. Box 30014  
Lansing, MI 48909

RE: House Bill 5407- Smoking in Automobile with Underage Children

Dear Representative Moolenaar:

We are writing to you on behalf of the Michigan Academy of Family Physicians, a statewide organization of over 3,000 Michigan family physicians in regards to House Bill 5407, which would restrict individuals from smoking in an automobile if children are occupying the vehicle.

We firmly believe that smoking is a health hazard to all individuals and that smoking in an enclosed environment such as an automobile produces hazardous second-hand smoke to all individuals in the vehicle.

It is our understanding that you will propose amendments to the Bill to prohibit smoking in an automobile when children five years of age or younger are in the vehicle. The Board of Directors of the Academy representing its members would firmly support such a Bill with the proposed amendment. This Bill would enhance Michigan's efforts to reduce and eliminate smoking for the majority of its citizens and, thereby, improve the overall health of all Michigan citizens.

If you have questions or would like further information from the Academy, please feel free to contact us at 517-347-0098 (phone), 517-347-1289 (fax) or [info@mafp.com](mailto:info@mafp.com) (email).

Sincerely,

Peter Scuccimarri, MD, President  
Michigan Academy of Family Physicians

**Congress of Delegates: July 6, 2006**  
**Scientific Assembly, Grand Traverse Resort & Spa, Traverse City: July 7-9, 2006**

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## DEPARTMENT OF PUBLIC HEALTH

C. Michael Krecek, R.S., M.A.  
Director/Health Officer

Phone (989) 832-6380  
Fax (989) 832-6628

### Testimony to the House Transportation and Senate Transportation Committees House Bill 5407 May 16, 2006

Dear Chairmen Philip LaJoy, Members of the Committees and Colleagues:

I would like to provide written testimony today for HB 5407 as the Director and Health Officer for the Midland County Department of Public Health. I also serve as a member of the Michigan Association for Local Public Health, also known as MALPH, and as an officer of the Executive Committee. MALPH represents 43 of the 45 local health departments in Michigan and has been supportive of legislation that limits tobacco exposure. I thank you for this opportunity to share thoughts regarding House Bill 5407.

Tobacco use and exposure to secondhand smoke are identified as the two leading causes of preventable death in Michigan, according to the Michigan Department of Community Health. These two causes of preventable death are more serious than auto accidents, suicide, drug overdose, alcohol, fire deaths and even AIDS deaths.

Our Michigan children are truly a treasure and a gift from God. We must make reasonable precautions to provide protection for our children from health threats so that they have the opportunity to thrive and become the future leaders of this great State. It is easy to offer support for HB 5407 because it offers protection for children to the unwanted exposure of secondhand smoke. Although the Bill has been modified to only cover children to the age of four, these are the most susceptible children and least able to speak for themselves. This language change should make enforcement easier, since children to age four are required to be in car seats.

As a local health department official, I have a sworn duty to represent my community under Michigan's Public Health Code (Act 368 of 1978), and a statutory responsibility for protecting the public's health. Successful efforts to improve public health also improve the quality of life of the people living in a community. HB 5407 provides an opportunity for such improvement. Please consider this bill an opportunity to make a positive impact for the youngest children of Michigan.

Thank you for your consideration and please contact me with any questions or comments.

Very truly yours,

A handwritten signature in cursive script that reads "C. Michael Krecek".

C. Michael Krecek, RS, MA

Director/Health Officer

Phone: 989-837-6574

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Everything Michigan

## An appropriate child protection

Friday, November 25, 2005

State Rep. John Moolenaar has stepped into a fray that won't endear him to libertarians and militant smokers who view laws restricting smoking as Nanny State intrusions.

The Midland Republican introduced a bill this month making it illegal to smoke in a vehicle with a child passenger. If passed, the bill would allow police to ticket adults who expose children to secondhand smoke in a car.

The best solution is for parents to quit smoking. But if they can't, they at least should not expose their children to the dangers of secondhand smoke -- especially in the tight confines of a vehicle.

Secondhand smoke causes up to 300,000 additional cases of upper respiratory illnesses in children a year, according to the U.S. Environmental Protection Agency. Exposure in the confinement of a car increases those risks. Toddler's lungs are severely affected by exposure, according to the EPA, since they are still developing physically and have higher breathing rates than adults.

Baby boomers who remember the bluish haze and nausea on trips with dad or another family member chain-smoking can appreciate the need for restrictions. That was a generation that wasn't familiar with the dangers of secondhand smoke.

This generation, however, knows the risks of exposure to secondhand smoke, which contains traces of more than 40 carcinogens.

Moolenaar will hear the wrath of militant smokers for proposing the in-car smoking restriction, but he shouldn't cave. This and future generations of children should have smoke-free rides. Making mom or dad pull over for a smoke every few miles might even prod a few to quit.

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Arkansas Democrat  Gazette  
NORTHWEST ARKANSAS EDITION

## Lighting up with young kids in vehicle banned under bill

BY JAKE BLEED AND MICHAEL R. WICKLINE

Posted on Saturday, April 8, 2006

URL: <http://www.nwanews.com/adg/News/151141/>

House Bill 1046 started out as a joke to just about everyone but Bob Mathis. And now it's his turn to laugh.

The Hot Springs Democrat and reformed smoker spent much of this week in strong opposition to a bill to ban smoking in most workplaces.

It was a Mathis amendment that came close to killing that bill, says Gov. Mike Huckabee, the primary supporter of the measure.

So when Mathis filed a bill Wednesday evening to ban smoking in cars carrying young children who are restrained in car seats, a lot of people laughed. They didn't take him or his bill very seriously, Mathis says.

But he showed up Thursday morning ready to fight. He got his bill through the House Rules Committee at noon, then through the full House just before 5 p. m., representatives approving it 58-13, with 29 House members not voting.

The bill went to the Senate on Thursday night, shot through the Senate Committee on Public Health, Welfare and Labor around lunchtime Friday, and wound up on the Senate floor just before 2 p. m.

Sen. Terry Smith, D-Hot Springs, the Senate sponsor of the bill, said the measure means adults would be barred from smoking in vehicles with children in child safety seats.

"Let's do something for kids," Smith said in a brief introduction of the bill.

Senators passed it 33-1, sending it to the governor.

Huckabee at one point Friday told Senate President Pro Tempore Jim Argue, D-Little Rock, that Mathis "was basically doing the bill as a joke and the darn thing passed both ways."

Huckabee said Friday afternoon that the bill sounded like a great idea.

"It's obviously protecting the child against secondhand smoke," the governor said at a news conference Friday. "I think it's a great bill. I'm glad that's cleared both houses. Delighted."

HB 1046 went from laughable to laudable in under two days.

Mathis says the bill fit snugly into the already hard lobbying being done in support of the ban on smoking in the workplace. That bill, Senate Bill 19 by Sen. Tracy Steele, D-North Little Rock, drew the lobbying power of the governor, the state's chief health officer, Arkansas Children's Hospital, the Arkansas Medical Society and others.

"There was so much emphasis on the anti-smoking things, it seems like it just fit right in with everything else," Mathis said.

Rep. Will Bond, D-Jacksonville, didn't vote on the bill when it came up in the House on Thursday.

"What happened to that bill, by the way?" he asked Friday evening.

Bond said he didn't vote because he was too busy worrying about legislation meant to satisfy the state Supreme Court, bills that were the original reason for having the session in the first place.

"We were trying our very best to complete our work on the mandate for Lake View. To do it in a week, to show the public that we're working our hardest," Bond said. "Things get moving rather quickly."

Mathis' bill amends a section of existing law that requires children who are under the age of 6 and weigh less than 60 pounds to ride in a "safety seat properly secured to the vehicle," according to Arkansas Code Annotated 27-34-104. Breaking that law can mean a fine of between \$ 25 and \$ 100.

Mathis' bill simply bans smoking in all motor vehicles carrying children who are restrained in those seats. The bill carries a \$ 25 fine, which can be waived if drivers prove they have entered a smoking cessation program.

Violating the bill would be a "primary offense," Mathis said, meaning police could use violations of the bill to justify pulling someone over.

"And I'm tickled to death about it," Mathis said.

He said he wasn't particularly sure how police would determine the age or weight of children while trying to enforce the law. He said his bill was meant to be enforced in the same way as A. C. A. 27-34-104.

"I don't know that the police are going to be out there with a scale weighing anybody," Mathis said.

A spokesman for the Little Rock Police Department said he wasn't too sure on how the law would be enforced in the field, either.

"That's a good question," said Little Rock Police Sgt. Terry Hastings.

"The law enforcement of it is something that would have to be worked out. If a parents says, 'No, they're 7,' that could be a problem."

Mathis, who is term limited, says the bill would become part of his legacy as a lawmaker.

He said he regularly hassles other drivers when he sees them smoking in a car with children. Sometimes they give him dirty looks, Mathis said. Sometimes they give him "the obscene gesture."

Huckabee declined to say Friday whether he would veto any of the bills passed in this special session. Information for this article was contributed by C. S. Murphy of the Arkansas Democrat-Gazette.

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Contact: webmaster@nwanews.com

Stricken language would be deleted from and underlined language would be added to present law.  
Act 13 of the 1st Extraordinary Session

1 State of Arkansas

As Engrossed: H4/6/06

Call Item27

2 85th General Assembly

**A Bill**

3 First Extraordinary Session, 2006

HOUSE BILL 1046

4

5 By: Representatives Mathis, *Wills, Saunders, George*

6 By: *Senator T. Smith*

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**For An Act To Be Entitled**

10 AN ACT TO PROTECT CHILDREN RESTRAINED IN CHILD  
11 PASSENGER SAFETY SEATS IN ARKANSAS FROM  
12 SECONDHAND SMOKE; AND FOR OTHER PURPOSES.

13

14

**Subtitle**

15

THE ARKANSAS PROTECTION FROM SECONDHAND  
16 SMOKE FOR CHILDREN ACT OF 2006.

17

18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20

21 SECTION 1. Title.

22 This subchapter shall be known and may be cited as the "Arkansas  
23 Protection From Secondhand Smoke for Children Act of 2006".

24

25 SECTION 2. Definition.

26 As used in this subchapter "motor vehicle" means any motor vehicle,  
27 except a school bus, church bus, and other public conveyance, which is  
28 required by federal or state law or regulation to be equipped with a  
29 passenger restraint system.

30

31 SECTION 3. Tobacco use – Prohibitions.

32 Upon the effective date of this act, smoking is prohibited in all motor  
33 vehicles in which a child who is less than six (6) years of age and who  
34 weighs less than sixty pounds (60 lbs.) is restrained in a child passenger  
35 safety seat properly secured to the vehicle in accordance with § 27-34-101 et  
36 seq.



1  
2        SECTION 4. Penalty.

3        (a) A person who violates this subchapter is guilty of a violation and  
4 upon conviction shall be punished by a fine not to exceed twenty-five dollars  
5 (\$25.00).

6        (b) If a person is convicted, pleads guilty, pleads nolo contendere,  
7 or forfeits bond for violation of this subchapter, no court costs pursuant to  
8 § 16-10-305 or other costs or fees shall be assessed.

9        (c) Any person who proves to the court that he or she has entered into  
10 a smoking cessation program may have his or her fine eliminated for a first  
11 offense violation of this subchapter.

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15                                */s/ Mathis, et al.*  
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18    *APPROVED: 4/10/2006*  
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